

REQUEST FOR RECONSIDERATION

Applicant respectfully requests that the Examiner reconsider the above-captioned patent application in view of the following remarks.

REMARKS

1. Rejections

Claims 1, 2, 11, and 14 stand rejected under 25 U.S.C. § 102(b), as allegedly anticipated by U.S. Patent No. 4,676,376 to Keiswetter. Claims 1-5 and 7-14 stand rejected under 35 U.S.C. § 103(a), as allegedly rendered obvious by each of U.S. Patent No. 4,892,353 to Goddard and U.S. Patent No. 4,553,785 to Duke Jr. et al. (“Duke”) in view of Keiswetter. Applicant respectfully disagrees.

2. 35 U.S.C. § 102(b)

Claims 1, 2, 11, and 14 stand rejected as allegedly anticipated by Keiswetter. “A claim is anticipated if and only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP 2131. The Office Action alleges that Keiswetter describes each and every element as set forth in claims 1, 2, 11, and 14. Applicant respectfully disagrees.

Applicant’s claims 1, 11, and 14 describe a chair cover in which “said pocket is adapted to be disposed over a chair, wherein the attachment of said non-elastic flap and said second cover surface forms a plurality of substantially square corners, and said square corners substantially retain their shape when said pocket is disposed over said chair independent from a shape of said chair.” Thus, the corners initially are substantially square-shaped, and when the pocket is disposed over the chair, the corners remain substantially square-shaped regardless of whether the corners of the chair are square-shaped or are rounded. Moreover, because the substantially square corners are formed by the attachment of the end of the non-elastic flap and end of the second cover surface, the substantially square corners form a portion of the pocket and are adapted to be disposed over the chair. (Emphasis added.)

In contrast, Keiswetter describes a car seat cover 10 which includes a pocket 20 disposed over the head of a car seat. For the Examiner’s convenience, Applicant is including a marked-up copy of Keiswetter’s **Figs. 2 and 3**, with this response. As shown in the enclosed copy of Keiswetter’s **Fig. 3**, pocket 20 is formed by the attachment of a retainer portion 24 (shown in orange) to a front cover portion (shown in green) along a plane (X) by an inner seam of a side edge 26 (shown in yellow).

Because the front cover portion (shown in green) is connected to retainer portion 24 (shown in orange) along the inner seam of side edge 26, the inner seam defines the outermost

edge of pocket 20, i.e., the portion of side edge 26 (shown in yellow) which is positioned to the right of plane (X) does not form part of pocket 20 because it is closed by the inner seam and it is not adapted to be disposed over the head of the car seat. (Emphasis added.) Thus, the corner of pocket 20 is formed at a point (C) which is the uppermost intersection of retainer portion 24 (shown in orange), front cover portion (shown in green), and plane (X). As clearly shown in Keiswetter's **Fig. 2**, this corner (C) of pocket 20 is a rounded corner. Thus, Keiswetter fails at least to disclose a chair cover in which "said pocket is adapted to be disposed over a chair, wherein the attachment of said non-elastic flap and said second cover surface forms a plurality of substantially square corners, and said square corners substantially retain their shape when said pocket is disposed over said chair independent from a shape of said chair," as set forth in claims 1, 11, and 14. Therefore, Applicant respectfully requests that the Examiner withdraw the anticipation rejections of claims 1, 11, and 14.

Claim 2 depends from claim 1. Therefore, Applicant respectfully requests that the Examiner also withdraw the anticipation rejections of claim 2.

3. 35 U.S.C. § 103(a)

Claims 1-5 and 7-14 stand rejected as allegedly rendered obvious by each of Goddard and Duke in view of Keiswetter. Specifically, the Office Action acknowledges the neither Duke nor Goddard discloses or suggests that the corners of the pocket are substantially square corners. Nevertheless, the Office Action alleges that this missing limitation is supplied by Keiswetter. However, as described above, Keiswetter fails at least to disclose a chair cover in which "said pocket is adapted to be disposed over a chair, wherein the attachment of said non-elastic flap and said second cover surface forms a plurality of substantially square corners, and said square corners substantially retain their shape when said pocket is disposed over said chair independent from a shape of said chair," as set forth in claims 1, 11, and 14. Moreover, the Examiner does not allege that any other reference supplies this missing limitation. Therefore, Applicant respectfully requests that the Examiner withdraw the obviousness rejections of claims 1, 11, and 14.

Claims 2-5 and 8-13 depend from claims 1 and 11, respectively. "If an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." MPEP 2143.03 (citations omitted). Therefore, Applicant respectfully requests that the Examiner also withdraw the obviousness rejections of claims 2-5 and 8-13.

CONCLUSION

Applicant respectfully submits that this application is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that an interview with Applicant's representatives, either in person or by telephone, would expedite prosecution of this application, we would welcome such an opportunity.

Respectfully submitted,

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Enclosure

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